

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

THE CITY OF NEW YORK,

Plaintiff,

- against -

ENVIROMD GROUP LLC, *et al*

Defendants.

1:24-cv-5161-GHW-JW

**NOTICE OF MOTION TO DISMISS PLAINTIFF'S
SECOND AMENDED COMPLAINT BY DEFENDANTS
VAPE MORE INC. AND VAPE PLUS DISTRIBUTION CORP.**

PLEASE TAKE NOTICE that upon the accompanying Memorandum of Law and the Declaration of Ryan D. Callinan and exhibit thereto, the undersigned counsel for Defendants Vape More Inc. and Vape Plus Distribution Corp. will move this Court at a date and time convenient to the Court for an order pursuant to Federal Rule of Civil Procedure 12(b)(6) granting their motion to dismiss Plaintiff's Second Amended Complaint (ECF No. 61) for failure to state a claim upon which relief can be granted, and for such other and further relief as the Court deems just and proper.

A supporting memorandum of law is filed in conjunction herewith.

Dated: September 27, 2024

Respectfully Submitted,

THOMPSON HINE LLP

By: /s/ Ryan D. Callinan

Ryan D. Callinan

Krupa A. Patel

Eric N. Heyer (admitted *pro hac vice*)

Joseph A. Smith (admitted *pro hac vice*)

THOMPSON HINE LLP

1919 M Street, N.W., Suite 700

Washington, DC 20036

Phone: 202.331.8800
Ryan.Callinan@ThompsonHine.com
Krupa.Patel@ThompsonHine.com
Eric.Heyer@ThompsonHine.com
Joe.Smith@ThompsonHine.com.